

**FILED****MAY 14 2007**

CAUSE NO. 06-08-07787-CV

COMMISSION FOR  
LAWYER DISCIPLINE

V.

MARK S. BYRNE

§  
§  
§  
§  
§  
§IN THE CLERK OF DISTRICT COURT, SMITH CO., TX  
BY Lois Rogers DEPUTY

MONTGOMERY COUNTY, TEXAS

221<sup>ST</sup> JUDICIAL DISTRICT**AGREED JUDGMENT OF PARTIALLY PROBATED SUSPENSION**

The following Agreed Judgment is entered at the request of Petitioner, the Commission for Lawyer Discipline, and at the request of Respondent, Mark S. Byrne, by and through his attorney of record, John Gladney, who agree that all matters of fact and things in controversy between them have been fully and finally compromised and settled.

The Court finds that the acts, omissions and conduct of Respondent, Mark S. Byrne, constitute a violation of Rules 1.01(b)(1), 1.01(b)(2), 1.02(a)(1), 1.03(a), 1.03(b), 8.01(b) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

As to each such violation the Court finds that Respondent, Mark S. Byrne, has committed professional misconduct as defined in Rule 1.06 (Q)(1) of the Texas Rules of Disciplinary Procedure.

As to such acts of misconduct, the Court finds that the appropriate sanction is a suspension from the practice of law in the State of Texas for a period of one (1) year, with a portion of such suspension being probated.

**IT IS ACCORDINGLY ORDERED, ADJUDGED, AND DECREED** that Respondent, Mark S. Byrne, State Bar Number 03566400, be and is hereby suspended from the practice of law for a period of one (1) year with one (1) month being an active suspension beginning June 1, 2007, and ending June 30, 2007, and the remaining eleven (11) months being probated beginning July 1, 2007, and ending May 31, 2008, during which time Respondent shall be entitled to practice law in the State

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of Texas, subject to the following terms and conditions:

1. Respondent, Mark S. Byrne, shall pay to Petitioner the sum of one thousand three hundred fifty dollars and no/100 (\$1,350.00) in attorneys' fees and costs for the prosecution of this action. The payment shall be made by certified or cashier's check or money order and submitted contemporaneously with the signing of this judgment to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240.
2. Respondent shall comply with the Minimum Continuing Legal Education (MCLE) requirements in accordance with Article III of the State Bar Rules.
3. Respondent shall at all times during the period of probation be in compliance with the terms and conditions of this judgment.
4. Respondent shall not violate any of the Texas Disciplinary Rules of Professional Conduct.
5. Respondent shall not violate the laws of the United States or any other state other than minor traffic violations.
6. Respondent shall maintain a current status regarding occupation tax and membership fees in accordance with Article III of the State Bar Rules.
7. Respondent shall comply with Interest on Lawyers Trust Account requirements in accordance with Article XI of the State Bar Rules.
8. Respondent shall keep the State Bar membership department notified of his current business and home addresses, and telephone numbers, and shall immediately notify the State Bar membership department and the State Bar of Texas, La Costa Center, 6300 LaCalma, Suite 300, Austin, Texas 78752, of any change in his addresses or phone numbers within ten (10) days of the change of address.
9. Respondent shall timely comply with all requests for information forwarded to him by any grievance committee of the State Bar of Texas.
10. Respondent shall cooperate fully with the Chief Disciplinary Counsel's Office of the State Bar of Texas in their efforts to monitor compliance with this judgment.

In the event that Respondent, Mark S. Byrne, should violate any of the foregoing terms or conditions of probation, the Court shall revoke such probation imposed on Respondent and impose upon Respondent an actual suspension from the practice of law for one (1) year in accordance with the following procedures:

1. Upon receipt of information which shows just cause and belief that Respondent, Mark S. Byrne, has violated any term or condition of his probation, any grievance committee of the State Bar of Texas having received such information or the Office of the Chief Disciplinary Counsel of the State Bar of Texas shall file with the Court a written Motion to Revoke probation, describing the acts and conduct that gave rise to the alleged violation of a term or condition of probation.
2. A copy of such motion shall be served on Respondent pursuant to TRCP 21a at Respondent's last known address shown on the membership rolls of the State Bar of Texas.
3. The Court shall conduct an evidentiary hearing within thirty (30) days of the date the Respondent is served with a copy of such motion, at which hearing the Commission for Lawyer Discipline shall bear the burden of proving the violation by a preponderance of the evidence.
4. The Court shall decide, without the aid of a jury, whether the Respondent has violated any term or condition of probation.
5. Should the Court determine that Respondent has committed any violation; the Court shall enter an Order Revoking Respondent's probation and imposing upon Respondent an actual suspension from the practice of law for the period of one (1) year, with said one (1) year to begin on or after the date of revocation.

It is further **ORDERED** that during the term of active suspension ordered herein, Respondent shall be prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that Respondent shall immediately notify each of his current clients in writing of this suspension. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned money, and other property belonging to clients in the Respondent's possession to the respective clients or to another attorney at the client's request. Respondent is **ORDERED** to file with the State Bar of Texas, La Costa Center, 6300 LaCalma, Suite 300, Austin,



Texas 78752, within thirty (30) days of the date of the effective date of this Judgment, an affidavit stating that all current clients have been notified of the Respondent's suspension and that all files, papers, money and other property belonging to all clients have been returned as ordered herein.

It is further **ORDERED** that Respondent shall, on or before thirty (30) days from the effective date of this Judgment, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which the Respondent has any matter pending of the terms of this Judgment, the style and cause number of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) Respondent is representing in Court. Respondent is **ORDERED** to file with the State Bar of Texas, La Costa Center, 6300 LaCalma, Suite 300, Austin, Texas 78752, within thirty (30) days of the date of the effective date of this Judgment, an affidavit stating that she has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which the Respondent has any matter(s) pending of the terms of this Judgment, the style and cause number (s) of the pending matter(s), and the name(s), address(es) and telephone number(s) of the client(s) Respondent is representing in Court.

It is further **ORDERED** that Respondent shall immediately surrender his law license and permanent State Bar Card to the State Bar of Texas, One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240, to be forwarded to the Supreme Court of the State of Texas.

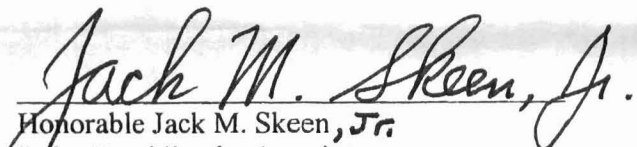
It is further **ORDERED** that the Clerk of this Court shall forward a certified copy of the current *Disciplinary Petition* on file in this case, along with a copy of this *Agreed Judgment of Partially Probated Suspension* to the following: (1) Clerk of the SUPREME COURT OF TEXAS, Supreme Court Building, Austin, Texas 78711; (2) Chief Disciplinary Counsel of the STATE BAR OF TEXAS, P.O. Box 12487, Austin, Texas 78711; and (3) Respondent, Mark S. Byrne, c/o John R.

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on signature page"

Gladney, Attorney at Law, 6901 Corporate Drive, Suite 111, Houston, Texas 77036.

It is further **ORDERED** that the Clerk of this Court shall forward two (2) certified copies of the current *Disciplinary Petition* in this case, along with two (2) certified copies of this *Agreed Judgment of Partially Probated Suspension* to Jhoslyn Y. Hood, Assistant Disciplinary Counsel, Office of the Chief Disciplinary Counsel of the STATE BAR OF TEXAS, at One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240.

SIGNED this the 14<sup>th</sup> day of May, 2007.

  
Honorable Jack M. Skeen, Jr.  
Judge Presiding by Appointment

**AGREED AS TO FORM ONLY:**


**AGREED AS TO BOTH  
FORM AND SUBSTANCE:**

**STATE BAR OF TEXAS**


Office of the Chief Disciplinary Counsel

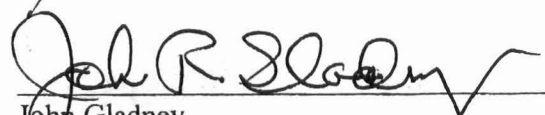
**JOHN A. NEAL**

Chief Disciplinary Counsel

  
Jhoslyn Y. Hood  
Assistant Disciplinary Counsel  
State Bar No. 24025435

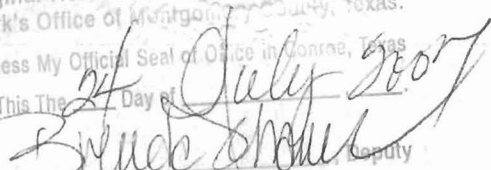
One Lincoln Centre  
5400 LBJ Freeway, Suite 1280  
Dallas, Texas 75240  
(972) 383-2900 Telephone  
(972) 383-2935 Facsimile

  
Mark Byrne, Respondent

  
John Gladney  
Respondent's Counsel  
State Bar No. 07991500

6901 Corporate Drive, Suite 111  
Houston, Texas 77036  
(713) 995-6500 Telephone  
(713) 995-6503 Facsimile

**Agreed Judgment of Partially Probated Suspension**

I, Barbara Gladden Adamick, do hereby  
Certify 5 pages in Cause No. 0406071000  
as being a true and correct copy of the  
Original Record on file in the District  
Clerk's Office of Montgomery County, Texas.  
Witness My Official Seal of Office in Dallas, Texas  
On This The 24 Day of July, 2007  
By:  Deputy